

### **Remarks/Arguments**

In the final Office Action dated August 19, 2008, it is noted that claims 1-15 are pending.

By this response, the claims have been amended to clarify certain aspects of the subject matter. For example, independent claim 1 substantially includes the features of claim 2. Claim 2 has been cancelled. Claims 6 and 7 include features of a means which recites functions similar to those features recited in claim 2. Claims 11 and 13 have been amended to clarify certain features and claims 12 and 14 have been cancelled. No new matter has been added.

#### ***Claim Objections***

Claims 11-14 are objected to as being directed to non statutory subject matter and claims 13-14 as failing to comply with the written description requirement. Claims 11 and 13 are amended to clarify the claimed subject matter. The amendments are supported by the specification and directed to statutory subject matter. For example, see the specification pages 7 and 8 and Fig. 2. Claims 12 and 14 are cancelled. No new matter is entered. It is respectfully requested the claim objections be withdrawn.

#### ***Rejection of Claims 1-9 under 35 U.S.C. §102***

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 7,035,644 to Maruyama. This rejection is respectfully traversed.

Claims 1, 6, and 7 are independent claims. Claims 3-5 and 11-15 depend ultimately from claim 1, and claims 8-10 depend ultimately from claim 7. Claim 2 is cancelled.

Claim 1 calls, in part, for, “comparing the number of secondary stations registered per channel against a predetermined threshold, and blocking registration for those channels having a number of secondary stations registered per channel equal to or above the predetermined threshold.” Claims 6 and 7 include a “means for monitoring the capacity comprise means for comparing the number of secondary stations registered per channel against a predetermined threshold and means for blocking registration for those channels having a number of secondary stations registered per channel equal to or above the predetermined threshold.” While claims 1, 6 and 7 are different, the following remarks will be focussed on claim 1 and will be understood to pertain with equal weight to independent claims 6 and 7.

In the response to arguments section of the final Office action, col. 6, lines 40-51 of Maruyama are pointed to as showing the above claimed features. Applicant respectfully disagrees because Maruyama teaches that when no channels are available the controller reduces the number of channels assigned to a radio terminal. For example, from 3 channels to 1 channel.

“As a result, although the transmission speed of the radio terminal C (5C) decreases, the radio terminal G (5G) can carry out communication.” Col. 6, lines 41-51.

From Maruyama it is clear that there is no teaching of blocking registration for those channels having a number of secondary stations registered per channel equal to or above the predetermined threshold. Maruyama teaches reducing the number of channels assigned to a terminal in order to accommodate a station requesting channel assignment.

Furthermore, Maruyama does not teach comparing the number of secondary stations registered per channel against a predetermined threshold. The Office, in the response to arguments section, is apparently equating having 1 station per channel as a threshold. However, even assuming this reasoning for argument sake, there is no teaching in Maruyama of “comparing” as claimed. The pointed to section of Murayama, as discussed above, does not even suggest such a comparing, Maruyama describes reducing the number of channels assigned to a station in order to accommodate a requesting station.

Maruyama only discusses comparing in relation to an amount of communication data that is larger than a preset threshold (col. 5, lines 34- 58).

In the response to arguments section “the examiner is understanding that the predetermined threshold is 1 in this instance, and the system checks to see if each channel has a station registered to it).” However, applicant fails to find a teaching of this alleged checking and of an actual comparing as recited in claim 1. Simply assigning one station to one channel is not equivalent to the claimed comparing.

Thus, it is respectfully submitted that Maruyama fails to teach each and every feature of claim 1. Claims 6 and 7, as pointed out above, include similar features, which are not taught by Maruyama.

Thus, Maruyama teaches reducing the number of channels set to terminal C in order to allow terminal G to have a channel (col. 6, lines 45-58). Reducing the number of channels is different from applicant’s claimed blocking registration for those channels having a number of secondary stations registered per channel equal to or above the predetermined threshold.

In light of these remarks, it is believed that Maruyama does not anticipate or make obvious claims 1-9. Thus, it is submitted that claims 1-9 are allowable under 35 U.S.C. §102. Withdrawal of this rejection is respectfully requested.

***Rejection of Claims 10-14 under 35 U.S.C. §103***

Claims 10 and 15 stand rejected under 35 U.S.C. §103 as being unpatentable over Maruyama in view of Bahl et al. (us 2004/0204071) and claims 11-14 stand rejected under 35 U.S.C. §103 as being unpatentable over Maruyama in view of Chin (US 6690938). These rejections are respectfully traversed.

The references Bahl et al. and Chin do not cure the deficiencies in Maruyama discussed above with respect to the independent base claims. Therefore, the combination of Murayama with references Bahl et al. and Chin does not teach, show, or suggest all the elements in claims 10-14.

In light of these remarks and the patentable distinctions discussed above with respect to the independent claims, it is believed that claims 10-14 would not have been obvious to a person of ordinary skill in the art upon a reading of Murayama with references Bahl et al. and Chin, either separately or in combination. Withdrawal of these rejections is respectfully requested.

***Conclusion***

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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